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BELLEVILLE, ILLINOIS

January 8, 2016

The Honorable Charles A. Breyer
United States District Judge
U.S. District Court, Northern District of California
450 Golden Gate Avenue
San Francisco, CA 94102

RE: *In re: Volkswagen "Clean Diesel" Products Liability Litigation, MDL 2672*

Dear Judge Breyer:

The following information is provided for your consideration pursuant to Pretrial Order No. 2. I have filed a class action case in Illinois on behalf of purchasers and lessees of Volkswagen and Audi diesel vehicles. *Elizabeth Flieger and Others Similarly Situated vs. Volkswagen Group of America, Inc., A New Jersey Corporation*, 3:15-cv-01177.

1. Professional Experience in Multi-District Litigation

Since 2006, my practice has focused nearly exclusively on Multi-District Litigations. Initially, I served on the Discovery and Science Committees in the *Ortho Evra Products Liability Litigation, MDL 1742*. I worked with science and regulatory experts, supported lead counsel in depositions and deposed a defense fact witness. I was also on the trial team for the first case set for trial, in which I deposed several fact and case specific expert witnesses.

In October 2008, I was appointed by Judge Rodney Sippel as Co-Lead Counsel (one of three Co-Leads) and Liaison Counsel in the *NuvaRing Products Liability Litigation, MDL 1964*. I consistently followed through with lead counsel responsibilities. I assigned and oversaw projects, provided global updates to attorneys, and performed many projects myself. I oversaw the document production process of defendants and managed the document review process. I was involved in nearly every fact and expert witness deposition, either as a first or second chair. I retained many experts and worked with every expert in their evaluation of the case. I handled status conferences and argued motions. I was the primary communicator with defense counsel, worked well with opposing counsel to resolve many discovery issues. I edited and finalized most pleadings filed with the Court. I managed PSC assessments and audited the monthly common benefit time and expense submissions. I participated in negotiating the global settlement reached for \$100 million in February 2014. I was the Liaison Counsel responsible for administering the settlement and communicating with all Plaintiffs' counsel, the Claims Administrator, the administrator of the Qualified Settlement Fund, and defense counsel regarding many issues associated with the processing of claims.

From the fall of 2009 through January 2012, I worked on Discovery and Science Committees in the *In Re Yasmin and Yaz MDL 2100*. In these roles, I analyzed defendants' deficiencies in their responses to discovery, drafted correspondence to defense counsel, analyzed regulatory issues

and clinical trials, and was involved in deposition preparation, developing experts, and reviewing Bellwether cases. I also worked extensively on preparing the first Bellwether case for trial, including summary judgment briefing and various pretrial motions, preparing the pulmonologist and regulatory expert witnesses for trial testimony, as well as other trial preparation work. I also had a lead role in working up the fact and expert discovery in four other initial trial cases.

I served as Co-Chair of the Science Committee in the *In re Pradaxa Products Liability Litigation*, MDL 2385 from the fall of 2012 until May 2014. I retained expert witnesses, worked with experts on reports, and handled deposition preparation of science and regulatory experts. I have also worked in the *In Re: Gadolinium-Based Contrast Agents Product Liability Litigation* and *In Re: the Actos consolidated action* pending in Cook County, Illinois on the Discovery Committee.

I am presently on the Plaintiffs' Steering Committee in the *In Re: Testosterone Replacement Therapy (TRT) MDL 2545*. I have taken a lead role in deposition preparation and the discovery calls with document reviewers. I am also on the Science Committees. In the *Xarelto MDL 2592*, I am presently on the Discovery and Science Committees and responsible for developing the theories of liability and participating in the initial stages of working with expert witnesses and preparing for depositions.

Prior to joining my present firm, I served as regional counsel on the defense side, representing, Caterpillar, Inc., Pittsburgh Corning Corp., Owens-Illinois, Inc., and an asbestos insulation contractor in complex litigation cases (state cases, not MDLs) filed by hundreds of plaintiffs.

2. Names/contact information Judges in other MDLs

Since 2008, I have regularly appeared before Judge Rodney Sippel E.D. of Mo., *In re: NuvaRing Products Liability Litigation MDL 1964*; Thomas F. Eagleton U.S. Courthouse, 111 South 10th Street, St. Louis, MO 63102, (314) 244-7430. I appeared before Judge Matthew Kennelly once to present my PSC application in the *In Re: TRT Products Liability Litigation, MDL 2545*; N.D. of Ill.; Everett McKinley Dirksen U. S. Courthouse, 219 South Dearborn Street Courtroom 3103, Chicago, IL 60604, (312) 435-5618. In the asbestos cases, I primarily appeared before Retired Judge Daniel Stack, Aequitas ADR, 711 N. 11th St., St. Louis, MO 63101, (314) 754-7900.

3. Willingness and ability to immediately commit to time consuming litigation

I am committed to making this litigation the priority in my practice and assure the Court that I will make a substantial contribution as a member of the PSC. I have the time to devote to this role in that I presently hold one other Steering Committee appointment, which is to the *TRT Products Liability MDL*. My other commitment of Co-Lead and Liaison Counsel in the *NuvaRing MDL* is nearly completed due to the settlement of the litigation.

4. Willingness and ability to work cooperatively with other plaintiffs' and defense counsel

I embrace working cooperatively and professionally with the plaintiffs' and defense bars. I am a team player and make every effort to maximize my contributions to the litigation. My experience as a plaintiffs' attorney and former defense attorney gives me a special perspective that facilitates productive communication with defense counsel.

5. Access to resources to prosecute the litigation in a timely manner

Our firm has the necessary financial resources and staffing to commit to this litigation. We have committed hundreds of thousands of dollars collectively in other MDLs and in class action litigations. We understand the importance of committing the time of not only the person appointed on the PSC, but also substantial time commitments from other attorneys and staff. Some of the individuals who are available to also commit time to this litigation include:

Roger Denton who formerly served as Co-Lead in the *Pradaxa and NuvaRing MDLs*. In the *Yasmin MDL*, Roger was Liaison Counsel, but his role became so expansive that he was recognized by the Court as serving in a *de facto* lead counsel role. His present commitment is as a PSC member in the *Xarelto MDL*. We will also commit time of associate attorneys, two paralegals, and an IT Director, all with MDL experience. Our firm has served a unique role in three large scale MDLs, serving as the plaintiffs' E-Discovery vendor and hosting provider, in which we have hosted access to over 150 million pages of ESI and several hundred plaintiff document reviewers.

6. Willingness to serve as a member of a steering committee

I pledge to commit my time toward facilitating this litigation until it is resolved and have the support of my firm to do so.

7. The particular category of plaintiffs the applicant wants to specifically represent

I seek a PSC appointment in the category of purchasers and lessees of affected vehicles.

8. Other considerations that qualify counsel for a leadership position

Attached as Exhibit 1 is a list of the attorneys who I am authorized to state that they support my application to be a member of the Plaintiffs' Steering Committee. Attached as Exhibit 2 is a copy of my resume. As an additional reference, I submit retired Judge Daniel Stack, the Special Master in the *Nuvaring MDL*, who I recently (in 2014 and 2015) worked with in administering the settlement of the *NuvaRing MDL*.

Additionally, my firm provides substantial resources and collective experience in not only MDL work, but also in serving as sole lead counsel in numerous national class action cases against Fortune 500 defendants involving claims on behalf of employees and retirees of excessive fees and fiduciary breaches in large 401(k) plans. We pledge our firm's time, resources, and experience to the common benefit of all Plaintiffs in the interest of justice and, therefore, respectfully request the Court appoint me as a member of the Plaintiffs' Steering Committee.

Thank you for your consideration.

Sincerely,



Kristine K. Kraft, Esq.

Schlichter, Bogard and Denton, LLP